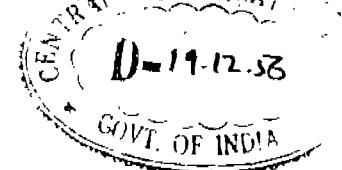


The Gazette



of

India



EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

No. 59A] NEW DELHI, FRIDAY, NOVEMBER 30, 1956

LOK SABHA

The following report of the Select Committee on the Bill to provide for the licensing of institutions for women and children and for matters incidental thereto, was presented to Lok Sabha on the 30th November, 1956:—

Composition of the Select Committee

1. Pandit Thakur Das Bhargava—Chairman.
2. Rajmata Kamlendu Mati Shah
3. Shrimati Jayashri Raiji
4. Shrimati Uma Nehru
5. Shri B. Ramachandra Reddi
6. Shrimati Tarkeshwari Sinha
7. Shri Nikunja Behari Chowdhury
8. Shrimati Ammu Swaminadhan
9. Shri A. M. Thomas
10. Shri Jaipal Singh
11. Sardar Amar Singh Saigal
12. Shri Upendranath Barman
13. Shri Fulsinhji B. Dabhi.
14. Shrimati Anusayabai Bhaorao Borkar
15. Shrimati Minimata
16. Shri Diwan Chand Sharma
17. Pandit Chatur Narain Malviya
18. Shri Mukund Lal Agrawal

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19. Shri Mohan Lal Saksena
20. Shri Hari Vinayak Pataskar
21. Shrimati Shivrajvati Nehru
22. Shrimati Sushama Sen
23. Shri Radha Raman
24. Shri Raghbir Sahai
25. Shri Bhakt Darshan
26. Shri B. N. Datar
27. Dr. Mono Mohon Das
28. Shri Amjad Ali
29. Shrimati Renu Chakravarty.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

Shri A. L. Rai, *Under Secretary.*

Shri P. K. Patnaik, *Under Secretary.*

Report of the Select Committee

I, the Chairman of the Select Committee to which the *Bill, by Rajmata Kamlendu Mati Shah, to regulate and license institutions caring for women and children was referred, having been authorised to submit the report on their behalf, present their report with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 26th February, 1954.

3. The motion for consideration of the Bill was moved in the House by Rajmata Kamlendu Mati Shah on the 10th August, 1956. An amendment to the motion for reference of the Bill to a Select Committee was moved by Pandit Thakur Das Bhargava on the 24th August, 1956 and adopted on the same day.

A further motion for addition of two more members to the Select Committee and for change of date of presentation of the Report was moved on the 25th August, 1956, and adopted on the same day.

4. The report of the Committee was to be presented by the last day of the first week of the Fourteenth Session, i.e. the 16th November, 1956. The Committee were granted an extension of time on the 16th November, 1956 upto the 30th November, 1956.

5. The Committee held six sittings in all.

6. The first sitting of the Select Committee was held on the 7th September, 1956 to draw up a programme of work.

7. The Committee felt that it would be desirable to redraft the Bill. A Sub-Committee was accordingly appointed on the 8th November, 1956 for the purpose of redrafting the Bill.

8. The Sub-Committee submitted their report, with the Bill as redrafted by them, to the Select Committee on the 24th November, 1956.

9. The Committee considered the report of the Sub-Committee and the Bill as redrafted by them at their sitting held on the 24th November, 1956.

*Published in Part II—Section 2 of the Gazette of India Extraordinary dated the 26th February, 1954.

10. The Committee considered and adopted the report on the 27th November, 1956.

11. The observations of the Committee with regard to the Bill as redrafted are detailed in the succeeding paragraphs.

12. The Committee consider that the present Bill should be confined to private institutions for women and children and that similar Government institutions should be excluded from its purview. The Bill has been redrafted accordingly.

13. *Clause 1.*—This clause corresponds to clause 1 of the original Bill.

The Committee consider that it would be proper to leave it to the State Governments to bring this legislation into force in their respective States from such date as they may desire. Provision has been made in sub-clause (3) accordingly.

14. *Clause 2.*—In this clause, which corresponds to clause 2 of the original Bill, the definitions of words "manager", "person" and "year" occurring in the original Bill have been omitted as being unnecessary, and the remaining definitions have been revised and new ones added.

15. *Clause 3.*—The provision contained in sub-clause (1) of clause 3 of the original Bill has been incorporated in this clause with certain drafting changes.

16. *Clauses 4 and 5.*—These clauses, which relate to matters dealt with in sub-clauses (2) to (5) of clause 3 and clause 4 of the original Bill, lay down the procedure for applying for a licence and the issue thereof.

The Committee have increased the period before which an application for renewal of a licence should be made to sixty days so that the licensing authority may have sufficient time for making necessary enquiries, if any, before renewing the licence. Provision has also been made for condoning delay if sufficient cause is shown. The Committee have further provided that renewal of a licence should be for such period as the licensing authority may deem proper.

The Committee are of the view that no fee should be charged for the grant of a licence under this Act. Sub-clause (5) to clause 5 has been inserted to make this clear.

17. *Clause 6.*—Clause 5 of the original Bill as slightly amended has been reproduced in this clause.

18. *Clause 7.*—This clause is based on clauses 16 and 18 of the original Bill.

The clause provides for the revocation of a licence for the breach of any of the conditions of its issue or the provisions of this Act or the rules made thereunder or where the licensing authority is not satisfied with the general conditions of management or superintendence of the institution, after giving an opportunity to the licensee to show cause why it should not be so revoked.

In the event of revocation of a licence, provision has also been made for the transfer of the inmates of the institution to another institution or their restoration to the custody of the parents, husband or other lawful guardian.

19. *Clause 8.*—A new provision has been added for an appeal to the State Government on refusal or revocation of a licence by the licensing authority, where the licensing authority is not the State Government itself.

20. *Clause 9.*—This clause, corresponding to clause 12 of the original Bill, prescribes the penalty for contravention of the provisions of the Act or the rules made thereunder.

21. *Clause 10.*—This new clause provides that this Act will not apply to hostels and boarding houses attached to, or controlled or recognised by, educational institutions and to protective homes established under the provisions of the Suppression of Immoral Traffic in Women and Girls Act, 1956.

22. *Clause 11.*—This clause confers rule-making powers on the State Governments, as contemplated by clause 19 of the original Bill.

In sub-clause (2), matters referred to in clauses 7 to 11, 13 to 15 and 20 of the original Bill have also been provided for.

23. *Clause 12.*—This clause makes the usual provision for repeal of corresponding State legislation and the savings in respect of anything done or any action taken under the repealed measures.

24. The Select Committee recommend that the Bill as amended be passed.

NEW DELHI;

The 27th November, 1956.

THAKUR DAS BHARGAVA,

Chairman,

Select Committee.

Bill No. 31A of 1953.

**THE WOMEN'S AND CHILDREN'S INSTITUTIONS
LICENSING BILL, 1953**

(AS AMENDED BY THE SELECT COMMITTEE)

(Portions side-lined indicate the amendments suggested by the Committee)

A
BILL

to provide for the licensing of institutions for women and children and for matters incidental thereto.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Women's and Children's Institutions (Licensing) Act, 1956.

(2) It extends to the whole of India except the State of Jammu 5 and Kashmir.

(3) It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) "child" means a boy or girl who has not completed the 10 age of eighteen years;

(b) "institution" means an institution established and maintained for the reception, care, protection and welfare of women or children;

(c) "licensing authority" means the State Government or such officer or authority as may be prescribed;

(d) "prescribed" means prescribed by rules made by the State Government under this Act;

5 (e) 'woman' means a female who has completed the age of eighteen years.

3. After the commencement of this Act, no person shall establish or maintain an institution except under and in accordance with the conditions of a licence granted under this Act.

Licensing of Institution:

10 4. Every person desiring to establish an institution shall make an application to the licensing authority in such form and containing such particulars as may be prescribed:

Application for licence

Provided that a person maintaining an institution at the commencement of this Act shall be allowed a period of three months 15 from such commencement to make an application for a licence.

5. (1) On receipt of an application under section 4, the licensing authority, after making such inquiry as it considers necessary, shall, by order in writing, either grant the licence or refuse to grant it.

Grant of licence.

(2) Where a licence is refused, the grounds for such refusal shall 20 be communicated to the applicant in the prescribed manner.

(3) A licence, unless sooner revoked, shall remain in force for such period as may be specified in the licence and may, on application made in this behalf sixty days before the date of its expiration, be renewed for such period as the licensing authority may deem 25 proper:

Provided that a licence may be renewed on an application made within sixty days before the date of its expiration if the licensing authority is satisfied that there was sufficient cause for not making the application earlier.

30 (4) Every licence granted under this Act shall be in the prescribed form and shall be subject to such conditions as may be prescribed:

Provided that any such condition may require that the management of an institution shall, wherever practicable, be entrusted to women.

35 (5) No fee shall be charged for the grant of a licence under this Act.

6. A licence granted under this Act shall not be transferable.

Licence not transferable.

**Revocation
of licence.**

7. (1) Where any person to whom a licence has been granted under this Act, or any agent or servant of such person commits a breach of any of the conditions thereof, or any of the provisions of this Act, or any of the rules made thereunder, or where the licensing authority is not satisfied with the condition, management or superintendence of an institution, the licensing authority may, without prejudice to any other penalty which may have been incurred under this Act, for reasons to be recorded, revoke the licence by order in writing: 5

Provided that no such order shall be made until an opportunity 10 is given to the holder of the licence to show cause why the licence should not be revoked.

(2) Where a licence in respect of an institution has been revoked under the foregoing sub-section, such institution shall cease to function from the date of such revocation: 15

Provided that where an appeal lies under section 8 against the order of revocation, such institution shall cease to function—

(a) where no such appeal has been preferred, immediately on the expiration of the period prescribed for the filing of such appeal; 20

(b) where such appeal has been preferred but the order of revocation has been upheld, from the date of the appellate order.

(3) On the revocation of a licence in respect of an institution, the licensing authority may direct that any woman or child who is an inmate of such institution on the date of such revocation shall be— 25

(a) restored to the custody of her or his parent, husband or lawful guardian, as the case may be; or

(b) transferred to another institution.

Appeals.

8. (1) Where the licensing authority is other than the State Government, any person aggrieved by an order of the licensing authority refusing to grant a licence or revoking a licence, may within such period as may be prescribed, prefer an appeal to the State Government against such refusal or revocation. 30

(2) The order of the State Government on such appeal and subject only to such order, the order of the licensing authority shall be 35 final.

Penalty

9. Any person who contravenes any of the provisions of this Act or of any rule made thereunder, or any of the conditions of a licence shall be punishable with imprisonment for a term which may ex-

tend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.

10. Nothing in this Act shall apply to—

(a) hostels, or boarding houses attached to, or controlled or recognised by educational institutions; or

Act not to apply to certain institutions.

(b) any protective home established under the Suppression of Immoral Traffic in Women and Girls Act, 1956.

11. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

10 (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the form of application for licence and the particulars to be contained therein;

(b) the form of licence and the conditions subject to which such licence may be granted;

15 (c) the management of institutions;

(d) the reception, care, protection and welfare of women and children in institutions, including all matters relating to their diet, clothing, accommodation, training and general conduct;

20 (e) the inspection of institutions;

(f) the maintenance of registers and account and submission of returns and audit of such accounts;

(g) the discharge from institutions of women and children and their transfer from one institution to another;

25 (h) the manner of filing appeals under this Act and the time within which such appeals shall be filed;

(i) the manner of service of orders and notices under this Act;

(j) any other matter which is to be or may be prescribed.

30 12. (1) As from the date of commencement in any State of this Act, any State Act corresponding to this Act in force in that State immediately before such commencement shall stand repealed.

Repeal and savings.

(2) Notwithstanding the repeal by this Act of any State Act referred to in sub-section (1), anything done or any action taken
35 (including any direction given, any register, rule or order made

or any restriction imposed) under the provisions of such State Act shall in so far as such thing or action is not inconsistent with the provisions of this Act be deemed to have been done or taken under the provisions of this Act as if the said provisions were in force when such thing was done or such action was taken and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

Explanation.—In this section, the expression “State Act” includes a “Provincial Act”.

M. N. KAUL,
Secretary.